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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCO ANTONIO CHAVOYA
OCHOA,

Defendant.

No. CR 12-0640 EMC

STIPULATION AND ~~PROPOSED~~
ORDER DOCUMENTING EXCLUSION
OF TIME UNDER THE SPEEDY TRIAL
ACT

With the agreement of the parties in open court on August 24, 2012, and with the consent of the defendant Marco Antonio Chavoya Ochoa (“defendant”), the Court enters this order documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from August 24, 2012, to August 29, 2012. The Court finds and holds, as follows:

1. The defendant appeared before the Court for arraignment on the Indictment on August 24, 2012. At that time, the Court set the matter for an initial appearance before the assigned district court judge, the Honorable Edward M. Chen, on August 29, 2012.

2. At the appearance on August 24, 2012, government counsel informed the Court that the government would be producing discovery upon the defendant’s request.

STIP. & [PROPOSED] ORDER
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Counsel for the defendant will need time to review that discovery and to investigate the case.

3. The Court finds that, taking into account the exercise of due diligence and the public interest in the prompt disposition of criminal cases, granting the continuance until August 29, 2012, is necessary for effective preparation of defense counsel. See 18 U.S.C. § 3161(h)(7)(B)(iv). Given these circumstances, the Court finds that the ends of justice served by excluding the period from August 24, 2012, to August 29, 2012, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(7)(A).

4. Accordingly, and with the consent of the defendant, the Court orders that the period from August 24, 2012, to August 29, 2012, be excluded from Speedy Trial Act calculations under 18 U.S.C. §§ 3161(h)(1)(D) and 3161(h)(7)(A) and (B)(iv).

SO STIPULATED.

DATED: August 24, 2012

MELINDA HAAG
United States Attorney

/s/
KYLE F. WALDINGER
Assistant United States Attorney

DATED: August 24, 2012

/s/
GINNY H.K. WALIA
Counsel for the defendant MARCO ANTONIO
CHAVOYA OCHOA

IT IS SO ORDERED.

DATED: August 31, 2012


ELIZABETH D. LAPORTE
United States Magistrate Judge